

JAN 23 2007

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FACSIMILE COVER SHEET**TO:** Examiner Pia Florence Tibbits
U. S. Patent & Trademark Office
Group Art Unit 2838**FROM:** Damond E. Vadnais, Reg. No. 52,310**RE:** U.S. Application No. 10/806,162
Atty. Docket No.: 00862.023509.**FAX NO.:** (571) 273-8300**DATE:** January 23, 2007**NO. OF PAGES:** 3
(including cover page)**TIME:** 5:28 P.M.**SENT BY:** LS**MESSAGE**

Attachment:

Request for Withdrawal of Erroneous Notice of Non-Compliant Amendment

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00862.023509.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HIDEYUKI NISHIDA

Application No.: 10/806,162

Filed: March 23, 2004

For: RECHARGEABLE BATTERY,
AND APPARATUS AND
METHOD OF CHARGING THE
SAME

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Examiner: Pia Florence Tibbits

Group Art Unit: 2838

January 23, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF
ERRONEOUS NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

Applicant has received a Notice of Non-Compliant Amendment dated January 10, 2007. Applicants respectfully submit that the Notice was issued in error and should be withdrawn.

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Name of person signing certificate

According to the Notice of Non-Compliant Amendment, the Response to Restriction Requirement dated October 13, 2006 is non-compliant because each claim was not provided with the proper status identifier. However, a claim listing with status identifiers is only required if amendments are made to the claims. See 37 C.F.R. § 1.121(c). Here, the Response to Restriction Requirement did not include any amendments to the claims. Accordingly, a claim listing with status identifiers is not required.

In view of the foregoing, it is respectfully requested that the erroneous Notice of Non-Compliant Amendment be withdrawn.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



Diamond E. Vadnais
Attorney for Applicant
Registration No. 52,310

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